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credit, if any is thought to be deserved, should attach where it properly belongs, and not to our common country.

ART. IV. — *Life of the Hon. Jeremiah Smith, LL. D., Member of Congress during Washington's Administration, Judge of the United States Circuit Court, Chief Justice of New Hampshire, etc.* By JOHN H. MORISON. Boston: Little & Brown. 1845. 12mo. pp. 516.

IN August, 1838, Dr. Benjamin Abbot completed the fiftieth year of his services as principal instructor in Phillips Exeter Academy. A large number of his former pupils, many of whom had attained the highest honors in professional and public life, assembled once more within the walls of the Academy to pay a fitting tribute of gratitude and respect to their venerated teacher at this golden period of his life. The Abbot Festival, as it was called, was a remarkable meeting, wholly unprecedented in character, and as honorable to the feelings of those who engaged in it with great interest and zeal, as to him whose protracted and highly useful labors in the cause of moral and intellectual culture were there brought to a close. Other instructors had remained as long at the desk; but we have heard of no one who has been so fortunate in the honor reflected upon him through the high distinctions subsequently acquired by his pupils, or in the pleasant and vivid recollection which every scholar entertained of his kind affections, bland and courteous manners, earnest moral and religious counsels, firm and judicious discipline, and accurate and scholarlike instruction. Not merely his immediate pupils, but all his countrymen, owe a debt of gratitude to the man who has in this way left the stamp of his own excellent character on the minds of so many who were afterwards to exert a leading influence on the destinies of a whole people.

Mr. Webster presided at the dinner which was given on the occasion, and led the way in the hearty and eloquent expression of the sentiments entertained by the whole assem-

bly towards his and their old "master." Members of all the professions, judges and distinguished scholars, ambassadors and members of Congress, followed, each with a tribute of admiration and respect for his former teacher, or with some pleasant reminiscence of his schoolboy days. One white-headed man rose and claimed a distinction, "which," he said, "could belong to no other man living. You were his scholars, I, his teacher. It was little that I had to impart; but that little was most cheerfully given. I well remember the promise he then gave; and Providence has been kind in placing him in just that position where his life could be most usefully and honorable spent." This former instructor of one who had been the teacher of others for half a century was the Hon. Jeremiah Smith, a member of Congress from 1791 to 1797, and afterwards chief justice, and subsequently governor, of New Hampshire. In early life, he had been an assistant instructor at the academy in Andover, Massachusetts; and among *his* pupils he could mention two presidents of Harvard College, Dr. Kirkland and Mr. Quincy, besides the venerated principal of Phillips Exeter Academy. Dr. Abbot still lives in a serene old age, rejoicing in troops of friends and in the retrospect of a long life faithfully and successfully devoted to the best interests of mankind. Judge Smith died in September, 1842, at the ripe age of eighty-two. A very interesting biography of him, by his relative, Mr. Morison, is now before us. Before giving any account of its contents, we would speak of the Judge as he appeared during the last twelve or fifteen years of his life.

He resided in Exeter, which was his home for more than forty years. The period of active exertion was over, as he had retired from the bar in 1820, having acquired a competent fortune entirely by his own exertions, and being disposed to give the remainder of his days to literary and domestic enjoyments. His wealth might have been much increased, for his practice was large and lucrative, and no failure either of mind or body had admonished him to retire. But his desires were moderate, and having enough for his own wants and to satisfy the reasonable demands of his family, neither ostentation nor the mere thirst of gain could prompt him to seek for more. Indolence was not the cause of his retirement; for his mind craved incessant occupation,

and the day always seemed to him too short for its allotted employments. His faculties were all vigorous and unimpaired, and he suffered them not to rust from disuse. Listlessness never crept over him for a moment, and his engagements were such as to produce no weariness either of the flesh or the spirit. The minor duties entailed upon him by his position as a trustee and the treasurer of the Academy, and as president of the town bank, were performed with as much care and method, as much energy and foresight, as he had shown while occupying far more responsible and important posts in the councils of the State and the nation. When an emergency called for unusual exertion, he was found ready and undismayed, prompt to conceive and strong to execute whatever the occasion required. His eye was not dimmed, and the frosts of nearly eighty winters had not stiffened his limbs, nor rendered sluggish the currents of thought and emotion. When the exigency had passed, he returned contented and refreshed to the sphere of his ordinary and more quiet occupations.

The larger part of the day was spent in his library, an admirably furnished room, containing all the appliances of comfort, but none of show, and about four thousand volumes of well selected books. These were his joy and pride ; in them he found solace and entertainment, tools, nutriment, and instruction. His literary taste was keen and discriminating, so that he enjoyed the masterpieces of human genius with full relish and nice discernment of their finer qualities ; but it was also catholic and pliant, enabling him to derive some amusement and profit from the productions of a lower class of minds. If a book was good for nothing else, it was good to laugh at or to refute ; it served, at any rate, to keep in activity a mind which needed but little foreign stimulus in order to move its faculties and to remain bright from use. Judge Smith was not a mere literary glutton, devouring books in the mass till rendered heavy and inert by repletion. When pleased or excited by a new work, he was uneasy till he could talk about it or write upon it, — till he could impart to others some of its contents, accompanied by his own shrewd and witty criticisms and reflections. Especially if it referred to scenes or persons with whom he had once been familiar, and thus opened the fountains of memory, it made him eager to communicate his reminiscences,

and to comment again on the story of olden times. The appearance of Mr. Sparks's admirable editions of the works of Washington and of Franklin excited him to commence writing and lecturing to lyceums after he had passed his seventy-fifth year. He had known the former of these great men personally, and the characters of both were such as he delighted to contemplate and to hold up to the admiration of others. So much of his happiness depended upon reading, that we are not surprised to hear of his observing in a letter, in his quaint way, "I hope they have plenty of good books in the other world." He read over again with fresh interest the works which he had read in his youth, and kept up with the current literature of the day, pleased with its freshness, and tolerant of its innovations on the style of former days.

The cheerful temperament and active intellect of Judge Smith appeared to the greatest advantage in conversation. He talked much, without effort or pretence, but with great liveliness and wit, and skilful adaptation to the tastes of his hearers. He was ready to converse upon all subjects, and with all persons; yet his fluency never became oppressive, and never lapsed into mere senile garrulity. He would engage in a grave discussion of important subjects when the occasion required; but he hated disputation and dogmatism, and seldom failed to divert the current of argument by some stroke of humor or quaint extravagance of remark. Some of his pointed and brilliant sayings are preserved in this volume; but they give only a faint reflection of his wit, and do imperfect justice to the shrewdness, humor, and good sense of his ordinary conversation. His most successful sallies were generally of a kind that do not bear repetition; they were elicited by the occasion, and appear insipid when reported without the attendant circumstances. A dogmatic, sententious, and profound converser, like Dr. Johnson, is the only one to whom a Boswell can be of any service. The playful effusions of a lively and quick-witted talker, like Judge Smith, cannot be bottled up in print; their point and delicacy are sure to evaporate in the process. They sparkle only in the atmosphere which produced them. He had little regard for conversational triumphs, but talked rather for his own amusement and the entertainment of his company, and from the exuberance of his mind and humor.

A great store of anecdotes and personal reminiscences afforded abundant material, when there was any lack in the common topics of the day. If his object was to advise or instruct, he spoke earnestly and persuasively, and his counsels and teachings were pertinent and judicious. He could be grave and impressive ; but this mood was an unusual one, and he willingly relapsed into playfulness. He was a keen observer of men, and often exposed the weakness and foibles of others with quick and pungent satire, sometimes not sparing his neighbours and associates ; but there was no malice in his wit, nor any disposition to inflict a serious wound. His merriment was often thoughtless, but never harsh or intentionally unkind, and he would go far to do a kind deed for those whose faults he had just visited with playful severity.

The kindness of his heart, indeed, was evinced in a more active way than by keeping a guard upon his tongue. He was systematically benevolent, quick to sympathize with misfortune or want, and ready to assist others to the full extent of his means, while his manner was such as to free them from any painful sense of obligation. He gave away a considerable portion of his income in charity, and took especial delight in aiding young men whom he found struggling with poverty in the pursuit of an education. He assisted many of this class at the academy and in college, and his words of counsel and encouragement were often of more use to them than the pecuniary gift. Of the minor charities of life, which are frequently a more sure index of a benevolent disposition than special acts of great munificence, he was particularly observant. His time, his advice, his books, his powers of conversation and amusement, were at the service of all who could profit by them, and he submitted patiently to claims upon his attention which were sometimes unreasonable and vexatious. Always tolerant, courteous, and liberal, those who were most indebted to him were never made sensible, by any act of his, of their inferiority or their dependence.

We are dwelling long upon this part of our subject, but in this idea of a vigorous and happy old age, — “frosty but kindly,” dispensing sunshine all around by constant cheerfulness, honored and beloved, still adding to the intellectual resources that were gathered in youth and in the vigor

of manhood, or dispensing this wealth to others, — there is much that is delightful and instructive for our contemplation. “I have the conviction,” said Judge Smith, in the language of Sir Egerton Brydges, “that life is yet altogether joyous to me, — perhaps more satisfactory and even more delightful than in the effervescence of youth and strength of mature manhood.” We may even question whether he was ever more useful to his fellow-men than in this genial autumn of his days. He had done his part strenuously and well on the arena of life, and had retired to a seat among the spectators. The serenity and happiness of the position he had attained were the fruit of unremitting and conscientious endeavour, of purity of life and heart ; and in the position itself there was a solemn monition to virtue ; attained by effort and trial, through the usual vicissitudes and disappointments of human existence, it seemed to prefigure the rest beyond the grave.

We turn now to the biography for some account of the earlier and more active portion of Judge Smith's career. Mr. Morison has made a very interesting book, judiciously allowing the subject of the memoir to tell his own story, so far as it could be made out from his correspondence and other papers. The remainder of the work is executed with skill and good taste, the narrative being clear and succinct, and the remarks of the writer always apposite and spirited, without the appearance of effort, or the intrusion of gratuitous commentary. As a whole, it is one of the most agreeable biographies with which we are acquainted in American literature.

The town of Peterborough, New Hampshire, was settled about the middle of the last century by a number of Scotch Presbyterians, who came last from the North of Ireland, where their families had been established for two or three generations. William Smith was one of their number, and the only one who did not speak broad Scotch, as his mother was an Englishwoman. He was a very respectable man, and became a justice of the peace, and a member of the Provincial Congress in 1774. He married Mary Morison, by whom he had ten children, of whom seven were sons. Jeremiah, the fifth of these sons, was born in Peterborough, on the 29th of November, 1759. While very young, he was employed in herding cattle ; but he had an

intense desire for learning, and soon taught himself to write by copying his father's hand, using pieces of birch-bark for paper, and ink made from vegetables. His parents, like most of the inhabitants of the town, were serious and devout persons, of small means, but great industry, and showing something of the Scotch shrewdness and grotesque Irish humor, which marked their double origin. His mother, besides taking care of ten children, worked in the fields during the harvesting, and assisted the family through the rest of the year by spinning and weaving linen. The boys grew up a rough and hardy set, inured from infancy to hard work and low fare, and showing by the strength of their frames how conducive this mode of life was to their bodily health. Several of Judge Smith's brothers attained about as great an age as himself.

Jeremiah showed a great love for reading, and a remarkable memory ; and as books in those days were difficult to be had, he studied the few that came within his reach very thoroughly, so that his knowledge of them appeared wonderful for a boy. The Bible was a great resource, and he committed large portions of the Old Testament to memory. This attracted the notice of the neighbouring clergymen, and they advised the father to cause the boy to be educated at college. The kind of instruction that he received shows what were the means of education in country towns less than a century ago.

"He began to study Latin, when about twelve years old, with Rudolphus Greene, an Irishman employed by the town to keep school a quarter of the year in each of the four quarters of the town. While he was hearing a boy recite, he usually held a stick in his hand, on which he cut a notch for every mistake, and, after the recitation was ended, another stick was employed to give a blow for every notch that had been cut. Jeremiah, who seldom had a notch against him, followed him round in his circuit, and is described as a bashful, awkward boy, who might be seen, on his way to and from school, with an open book in his hand, and taking no notice of any thing else. According to his own account, the instructions he received in Latin were wretched enough. When, longing to be enlightened on some dark passage in his lesson, he went to his teacher with his heart as full as if the whole world depended upon it, he often came away with tears of disappointment from the blundering explanations that were given. At the meeting-house, where the school was kept a part

of the time, the only seats and desks they had were made of rough boards placed on blocks of wood. If such was the meeting-house, what must have been the common school-houses? Bad as the school was, his attendance was often interrupted by the labors that were required upon the farm, and his studies must have been entirely suspended more than three quarters of the time after he commenced Latin till he entered college. He used to boast, that when twelve years old he could reap as much in a day as a man." — pp. 14, 15.

The neighbours expected great things of the boy, and, if all the stories told of him at this period were true, he gave some proofs of genius that were quite remarkable. One old lady in the vicinity, who had augured very well of him, was accustomed to say, after he had actually risen to eminence, "I knew that Jerry Smith would make a great man, always after I found him on my ploomb tree, stealing ploombs; he lukked sae shamed." After some time, he was sent to the town of Hollis, and finished his preparation for college under the care of the Rev. Mr. Emerson. Here he had better means for study, and formed some valuable acquaintances, among whom was Noah Worcester, afterwards the venerated apostle of peace. He had no cause of complaint against his instructor, except for causing the pupils to go without any breakfast on the morning of fast day, while he was seen, through a half-open door, appeasing the demands of his own appetite on drop-cakes and custards. Young Smith partly supported himself at this period by keeping school a portion of the year in a remote corner of his native town. Here he suffered the usual trials of a country schoolmaster, as he was obliged to "board round" from house to house, and the food given was not always enough to allay his hunger. The war which then darkened over the country caused some interruption in his studies, and he gained the honor, as it was afterwards rightly esteemed, of being for a short time a soldier of the Revolution.

"In 1777, Jeremiah Smith was entered at Harvard College, and about the same time enlisted for two months in the army. News had just come of Burgoyne's invasion. One afternoon, a young man, apparently about sixteen, called on Captain Stephen Parker, of New Ipswich, and offered to enlist. The captain inquired who he was, and if his father had given his consent. The lad replied, that his name was Jeremiah Smith; that his father

lived in Peterborough, and that he had come without his knowledge. Captain Parker knew his father, and, persuading him to remain at his house till morning, he went in the night to Peterborough, to consult the father, who at length consented that his son should be enlisted. He exacted, however, from the captain a promise, that, should his company be ordered into battle, he would not take Jeremiah with him, but despatch him on some duty that would be safe. Just before the battle of Bennington, Captain Parker ordered the lad on some particular duty that appeared to be without danger, but in the midst of the fight saw him by his side. 'Why did you come here?' he said. 'O Sir,' he replied, 'I thought it my duty to follow my captain.' In the battle a musket-ball grazed his throat, leaving a mark which remained for years, and his gun by another bullet was rendered useless. He threw it away, and, seizing another that lay near a dying soldier, who had fallen by his side, he, in the language of his captain, 'fought with it like a young hero,' till the battle ended. In his own account of the matter he claimed no credit for heroism, and said that musket-balls made a sort of music which he had no disposition to hear a second time. He passed the night after the battle in assisting to guard the Hessian prisoners, who were confined in the Bennington meeting-house." — pp. 17, 18.

At Cambridge, he was fortunate enough to reckon among his classmates John Davis, and the late Elijah Paine, and Samuel Dexter. The first of these gentlemen was appointed a judge of one of the United States courts in the same year with himself. Mr. Smith left Cambridge at the close of his second year, and entered at Queen's (now Rutgers') College, New Jersey, the difference in the religious opinions prevalent in the two institutions being probably one of the reasons for making the change. He was enabled, also, to shorten his course, as he received his degree in 1780, one year earlier than he could have obtained it at Harvard. He was a hard student, for a time, while in college; being in the habit of rising at four o'clock in the morning, through the winter, for the purpose of studying Greek. He was wont to say, that a college education in those days was very defective, as some of the graduates could not write a page of good English, and could not even spell correctly what they did write.

After graduating, he remained two years in Peterborough, and in January, 1782, was chosen a delegate from that town

to the convention in Concord, for preparing a plan of government for the State. But it is not known that he took any active part in the proceedings of that body. Having resolved, at last, to study law, he removed to Barnstable, Massachusetts, and entered the office of Shearjashub Bourne, supporting himself as a private teacher, in the same manner as his classmate, John Davis, had done before him. After a year thus spent, he went to Andover, and became, as we have said, an assistant instructor at the academy in that place. He was wont to boast, and with good reason, of the pupils whom he had under his charge in this institution.

“ In 1784, he took the charge of a small school of young ladies in Salem, at the same time reading law under the direction of William Pynchon. This he looked back upon as one of the happiest portions of his life. At Salem, he was brought into a larger circle of refined and educated people than he had before met; and he is still remembered, by some who knew him there, as an amiable, agreeable, intelligent young man, and a great favorite in society. He entered earnestly into plans for the improvement of his pupils, and, much as he admired and always professed to admire personal beauty, he endeavoured earnestly to impress them with a sense of the superior value of that higher and more lasting beauty which belongs to the mind and character. He was greatly pleased with the turn which a young lady gave to some complimentary remarks that he was making to her, and wished that all ladies would make as good a use of flattery. ‘ I know,’ she replied, ‘ that I do not possess those qualities; but since you have ascribed them to me, I take it for granted that you wish me to have them, and will therefore try to make your words true.’ Of that period he might have said, as Lord Eldon said of the corresponding period in his life: ‘ O, those were happy times, we were always in love then.’ ” — pp. 23, 24.

In the spring of 1786, Mr. Smith was admitted to the bar in Amherst, New Hampshire. As his course of study had been much interrupted by other pursuits, some of the bar opposed his claim, on the ground that he had not satisfied all the requisitions, though he was admitted to possess a competent knowledge of the law. But he succeeded by making a direct appeal to the court, and afterwards triumphed over his opponents by taking almost immediately a high rank in his profession, and gaining a large share of the practice. He established himself for the next ten years in his native town,

and his character for ability and intelligence becoming widely known, great confidence was reposed in him for the management both of public and private cases. He was quick and shrewd in the conduct of business, but was too conscientious to trust to his talents alone. He prepared himself for every case with the utmost assiduity, and did not deem that his duty to a client was satisfied, till he had examined every point, and acquired confidence to meet every emergency in the progress of the suit. So much painstaking was a rare merit on the part of one who had ready and facile gifts from nature, and might have presumed on his abilities with less arrogance than many practitioners are accustomed to exhibit. Scrupulous fidelity to all claims upon him was, from the first, a leading trait in his character.

The practice of the New Hampshire courts at this time was loose and irregular ; for the judges often had not belonged to the profession, and would trust to their own vague notions of common equity, instead of binding down the case by the rigid principles of the law. In spite of the common prejudice on this score, it may safely be said, that no conduct is so short-sighted as this, or so likely to defeat the great ends of justice. When the rules, established, limited, and perfected by the experience of centuries, are once shut out, passion, caprice, or accident will rule ; and uncertainty, the mother of litigation, is sure to propagate and extend the evil. Mr. Smith saw the faults in the administration of justice in his native State at an early period, and labored most zealously to correct them. As a mere practitioner, he could not do much, except by the force of his example ; but when afterwards promoted to the bench, he brought the fruits of his reflection and experience to bear upon the subject, and with such success, that what there is of good at present in the management of the New Hampshire courts owes its origin in a great degree to his exertions.

As a member of the legislature for three successive years, beginning in 1788, Mr. Smith sustained the high reputation which he had acquired at the bar. He was made chairman of the committee to revise and arrange the laws of the State, — a work of great labor, as it was necessary to determine which of the statutes passed before the Revolution should continue in force, and which should be abrogated. He performed nearly the whole of this task, which

occupied him for two or three years. In June, 1790, when the House determined to impeach Judge Langdon, Mr. Smith was chosen one of the managers, though he had voted against the proceeding; yet he performed the duty with his usual care and ability, and his speech on the occasion, written out in full, is preserved among his papers. The judge was acquitted, but soon after resigned his office. In the following year, he was appointed a member of the convention to revise the constitution of New Hampshire, and took a leading part in the deliberations of that body.

“Mr. Smith used to cause a good deal of amusement, by the manner in which he gave an account of his first, and I believe last, military appointment. He and Major Webster, the father of Daniel and Ezekiel Webster, had been delegated by the House in 1790 to go to Kingston, and inform Dr. Josiah Bartlett of his election as governor. They arrived there Saturday evening, went to meeting with the governor on Sunday, and before setting out with him on Monday, found that he had paid their bills at the tavern. Their approach to the capitol was announced by the firing of guns, which so frightened their horses, that Mr. Smith was thrown flat upon his back. It so happened that the Governor's hat and wig fell to the ground at the same instant, and Mr. Smith, with admirable presence of mind, picked them up and gave them back to him. It was supposed that he had leaped from his horse for no other purpose, and on account of the agility he had displayed in horsemanship, he was appointed aid to his Excellency, with the rank of colonel.” — pp. 41, 42.

Though he had been active in the politics of his native State, Mr. Smith had as yet paid no special attention to the affairs of the general government, for his ambition at this period was limited in the main to success at the bar. The wishes of his friends, more than his own inclination, had led him thus far into public life; they were unwilling that his remarkable abilities should be lost to the State at a time when the services of her ablest citizens were so much needed. He yielded to their representations, though his letters show that he looked back with longing to a more quiet station, and to the professional life to which he had given his whole heart. But as he went on, retreat became more difficult, and perhaps less desired; and it was at last decided, that he should be removed to a wider sphere of action. He was chosen a member of Congress in December, 1790, and took his seat

in October of the next year. During the first session or two, he remained very quiet, saying that he was a learner, and that the lead should be taken by more experienced hands. But his fine social qualities soon obtained for him many friends and much influence ; and when his character and abilities became more known, a more active part was allotted to him, and he willingly performed it. He served in three successive Congresses, and was chosen for a fourth time, but resigned soon after the election.

His impressions of the state of society in Philadelphia, at this period, and of the characters of the public men with whom he was brought in contact, were not favorable ; dissipation marked the former, selfishness and corruption were imputed to the latter. In his letters he speaks with strong censure of gambling and other immoral habits, which prevailed in private life, and of faction and a stock-jobbing spirit, which began to show themselves in the national legislature. In one point of view, such accounts are rather consoling to us at the present day ; they show, at any rate, that the aspect of affairs has not deteriorated so much in our generation as some are prone to imagine. There is always hope, an Irishman would say, so long as there is no *progress* backward. The wit and vivacity of Mr. Smith were in much request at convivial meetings ; but he appears to have shunned them as far as possible, and to have found more pleasant and profitable occupation with his books. He was an earnest student, and complained that he was ruining himself by making additions to his library.

His views upon public affairs were not yet fully determined, and on several questions he voted in a way which his riper judgment afterwards strongly condemned. Thus, he opposed the assumption of the State debts, and the appropriations for the increase of the army to guard the frontiers against the Indians ; and at other times, he yielded too much to that miserly and short-sighted spirit, which would lock the doors of the treasury against all demands for the promotion of great public ends, and for the support of a comprehensive and generous public policy. But his dislike of French principles, as they were then displayed in Paris, and of the Jacobinical spirit that they were beginning to excite in this country, and his veneration for the character of Washington, kept him from any further aberrations

in politics, and he soon came to yield to that great man's administration his hearty and unwavering support. In his eyes, the character of the president towered above all reproach, and the wisdom of the measures deliberately adopted by him was indisputable. During the exciting contest respecting the British treaty of 1794, he took an active part in the debates of the House, and contributed much to the final triumphant vindication of Washington's conduct at that crisis.

The line of separation between the two great parties in the country was now distinctly drawn, and Mr. Smith was ranked among the zealous advocates of Federal principles. The earthquake power of the French Revolution had not only agitated all the kingdoms of Europe, but had sent a long swell across the Atlantic, which communicated the shock to this country, and our newly formed institutions rocked violently under the impulse. One party welcomed the tumult thus caused; the other deplored its violence, and sought to moderate its effects. It was fortunate for us, that the insanity of the rulers of France at this time drove them to such outrageous acts of aggression, that a partial reaction took place here, and great numbers were weaned from their admiration of the conduct and principles of the anarchists. Mr. Smith's letters express in the heartiest terms his detestation of French democracy, and of the manner in which it was aped by a large party in the United States. When the National Convention, under the guidance of Robespierre, went through the impious farce, which they called establishing by a decree the existence of a God, Mr. Smith wrote, "Since they have voted the Deity in again, I own I feel more doubts than usual about the evidences of his religion."

Among the friends whom he acquired while in Congress, the most intimate and best beloved was Fisher Ames. Congeniality of taste and habits, as well as agreement on political subjects, drew the two together, and the interchange of kind services strengthened the tie between them. While Mr. Ames's ill health detained him at home during a part of the session, they kept up an active correspondence; they afterwards journeyed together, and for a time occupied the same room in Philadelphia. The witty and animated conversation of Mr. Smith, and his ready and affectionate ministrations whenever needed, supported the exhausted frame of his

friend, from whom he received in turn valuable aid and counsel. The following extract refers to Mr. Ames's celebrated speech on the British treaty.

“My friend Ames, on Thursday, (April 28,) gave us the most eloquent speech I ever heard. The impression was great; probably much increased by the bodily weakness of the speaker. His introduction was beautiful, and his conclusion divine! His words, like the notes of the dying swan, were sweet and melodious. I tell him that he ought to have died in the fifth act; that he never will have an occasion so glorious; having lost this, he will now be obliged to make his exit like other men. If he had taken my advice, he would have outdone Lord Chatham. I am tired of this cursed treaty; it ruins my temper and spirits.”

“In another letter, Mr. Smith says: ‘I send you my friend Ames’s speech. He was much indisposed, and has been so for a year past, and has taken little active part in business. He spoke without premeditation, and without having intended to speak at all. The effect produced was very great.’ ‘When Mr. Ames rose to speak,’ Mr. Smith used to say, ‘he was so feeble as to be hardly able to stand, and supported himself by leaning upon his desk. As from the first faint tones he rose to the impassioned outpourings of high sentiment and patriotic zeal, his physical energies increased, till the powers of his body seemed equal to those of his mind. At the close he sunk down, weak and exhausted; “his mind agitated like the ocean after a storm, and his nerves like the shrouds of a ship torn by the tempest.”’ The speech, I am told, was written out from memory by Mr. Dexter and Mr. Smith, and to their labors, corrected by Mr. Ames, we are indebted for the copy we now have, greatly inferior, Mr. Smith always said, to the speech that was delivered, but with enough of its original fire and lofty enthusiasm to be still recited and read with feelings produced by no other American speech of the last century, except two or three before the Revolution.” — pp. 96–98.

We must lay before our readers the account, meagre though it be, of Mr. Smith’s personal intercourse with Washington. In a letter to his brother, dated March 17th, 1797, he says :

“‘I saw General Washington, as he passed through this town, on his way to Mount Vernon, two days ago, and spent a pleasant hour with him alone. He was undisguised in his sentiments of men and things, and, for the first time in my life, I conversed with perfect freedom with the greatest and best of men.’

"A few weeks after this, Mr. Smith visited Washington at Mount Vernon. He arrived there late in the afternoon, and received a most cordial welcome from Washington and his lady, the latter, 'at this time,' he said, 'a squab figure, without any pretension to beauty, but a good motherly sort of a woman.' After a cup of excellent tea, &c., the evening passed in conversation. There were present, besides the family, a son of Lafayette, and another French gentleman. While they were talking, a servant came into the room and said to Washington, 'John would like the newspaper, Sir.' He replied, 'You may take it,' but after he had gone out, said, 'He had better mind his work.' He then told Mr. Smith a story of his coachman, a long-trying and faithful man. One very rainy day, he was obliged to order his carriage unexpectedly, to go a long distance on business. After getting into it, he perceived that there was some delay about starting, and putting his head out, he saw that there was a great bustle among his servants, who were trying to mount the coachman on the box, and, with much difficulty, at length succeeded. 'What is the matter?' asked the general. The servants replied, that he was intoxicated; 'whereupon,' said Washington to Mr. Smith, 'I was tempted to say to the man at once, Begone about your business. But the coachman at that moment turned round and said, "Never fear, Massa, I'll drive you safe." And I trusted him,' continued Washington, 'and he never drove better.'

"At about half past nine, Mr. Smith signified his intention of retiring, when Washington also arose, and taking a lamp, led the way to a most comfortable apartment, in which was a fire brightly blazing. He assured his guest, that the fire would be 'perfectly safe,' and intimated that he might 'like to keep his lamp burning through the night.' In the morning, after breakfast, Mr. Smith took leave, though desired to prolong his visit; and a very urgent invitation was given, that he should 'bring his bride to see them.' Horses were brought to the door, and Washington accompanied him some miles on the way. 'He was always,' said Mr. Smith, 'dignified, and one stood a little in awe of him.'" — pp. 118, 119.

The allusion to "his bride," at the close of this extract, carries us back to the story of Mr. Smith's marriage. He had remained a bachelor till he was nearly forty, though perhaps from too great, rather than too little, susceptibility to the attractions of ladies' society. Once or twice he had even been seriously in love; but circumstances prevented the affair from being brought to the conclusion usual in such cases,

and then he acted like a prudent man, and turned his thoughts to other subjects. We quote a portion of the characteristic letter, written in January, 1795, in which he describes the earlier part of his acquaintance with the lady who afterwards became his wife.

“By the way, we are all hugely pleased with Parson Osgood’s Thanksgiving sermon; we extol him to the third heaven, and swear (it is in a good cause, you know) that he was inspired! If the virtuous members of Congress (meaning those of our party) had the power to confer degrees, he would instantly be daubed over with titles. We think he as richly deserves it, as ever King William, in Corporal Trim’s opinion, did a crown. It is proposed to print an edition in this city, for the use of our brethren at the southward. We are afraid, if we do not alter the title-page, it will be a sealed book. But, what is very unusual, it has been published entire in a newspaper in this city, and, I believe, read by many people who were never, in the whole course of their lives, in the inside of a church. I am charmed with your picture of a family party at Christmas. It must be the most delightful thing in the world. Tell Mrs. F. that I should have been very happy to have made one of your little society, and that I am confident she enjoyed far more pleasure, surrounded by her children and friends, than Mrs. Dexter, at Mr. Bingham’s, Mr. Morris’s, or even the President’s sumptuous dinner. I was singularly happy on that day myself; dined with a number of my friends at Mr. Wolcott’s, (who, by the way, will be secretary of the treasury, in the room of Colonel Hamilton,) and spent the evening in company with a divine woman I have lately become acquainted with, and who is all that woman can or ought to be; but, heigh-ho! she is as good as married. I am glad I was informed of that circumstance, else I should have been over head and ears in love. Informed of my danger, I find it difficult to restrain my ardent affections. I am glad to find that I am not dried up and congealed, but that my heart is as susceptible as ever. I had rather be a man, and feel as such, even if I suffer by it, than be one of your insensible devils.” — pp. 68, 69.

This “divine woman” was Miss Eliza Ross, who was then boarding with her sick mother in Philadelphia. She was daughter of Alexander Ross, a Scotchman, who resided in Bladensburg, and her mother belonged to one of the best families in Maryland. As she boarded for a time in the same house with Mr. Smith, he became much attached to her, in spite of the impediment above mentioned, and manifested his love in the usual way by a fit of rhyming. The

verses he produced are remarkable for being the only poetry which he ever wrote, and remarkable for nothing else. The lady, of course, gave him no encouragement, and the correspondence that had been established between them, as brother and sister, gradually died out. But after more than a year had elapsed, circumstances having freed her from her former engagement, the intercourse between them was renewed, and the affair terminated in their marriage on the 8th of March, 1797. While on his way to Bladensburg, a few days before this happy occasion, he had the misfortune to lose a trunk containing nearly his whole wardrobe, which he never recovered.

“ The accident, occurring at such a time, was very severely felt. Among the articles lost was a pearl-colored coat, about which he had had a long correspondence with Miss Ross, who insisted upon it as essential to his wedding dress. He found great difficulty in procuring it, and asked whether, if obliged to appear in a more sombre dress, he might not make up for what was wanting, by simpering all the time during the ceremony. But the lady was too much in earnest to be put off so, and after diligent search the coat was found, to furnish another illustration of the vanity of human wishes.” — pp. 117, 118.

Mrs. Smith was a pretty and sensible woman, and, their mutual attachment continuing unabated, she made his home a happy one for thirty years. The only difficulty she found was in the mode of housekeeping at the North, so unlike that to which she had been accustomed in the country of her birth and education, where the peculiar “ domestic institutions ” affect all the habits of life. Two sons and a daughter were the fruit of this marriage ; one of the former was accidentally drowned, when only six years old.

The summer after his marriage, Mr. Smith resigned his seat in Congress, though he had just been elected for another term, and established himself at Exeter, New Hampshire, in the practice of the law. A year before, he had been offered the place of comptroller in the treasury department, which, after mature consideration, he had declined ; but he now accepted the office of United States district-attorney for New Hampshire. Two years later, he received a less important appointment as judge of probate for Rockingham county ; this office did not require much of his time, but it exercised his thoughts considerably, so that he prepared a

treatise on probate law, which still exists in manuscript. His professional engagements were now numerous and profitable, and he was gradually acquiring a competent fortune. The claims of his family formed an additional spur to exertion ; but in truth, he had always loved labor for its own sake, and from an honorable desire to excel in all his undertakings.

In 1801, an important addition was made to the judiciary system of the United States, and Mr. Smith was appointed one of the new circuit judges. This offer was very acceptable to him, as the situation was an honorable and responsible one, and supposed to be permanent, a respectable salary was attached to it, and the duties were suited to his taste, and well adapted for the exercise of his talents. He was fortunate in his associates, Judges Lowell and Bourne, and the mode of life which now seemed to be marked out for the rest of his career was peculiarly agreeable. According to his biographer, " he used to say, it was the only office he had ever greatly desired, or the loss of which he had greatly regretted." His reasonable anticipations were frustrated by political manœuvres, and the situation in which he had hoped to grow old was continued to him but a single year. The change in the constitution of the courts and the appointment of the new judges were among the latest acts of Mr. Adams's administration. Though it is now generally admitted, that the measure was judicious, and the judges well selected, it was certainly indiscreet to push the matter through at so late a day, to the great exasperation of the opposite party, which was then on the point of coming into power. Mr. Jefferson became president, and one of the first acts of his triumphant friends in the next session of Congress was to repeal the law, to abolish the newly created courts, and to restore " the midnight judges," as they were reproachfully termed, to private stations. The act of repeal was held to be a violation of the Constitution, which guaranties the independence of the judiciary, and the dispossessed judges were disposed to take legal measures to test the validity of the law. Judge Tilghman called a meeting of them at Philadelphia to concert together for this purpose ; but the matter ended with presenting an ineffectual memorial to Congress upon the subject. It was fortunate, perhaps, that the opposition went no further ; for it could have terminated, at the

best, only in a contest between the judiciary and the legislature, from which nothing but evil would have ensued.

Judge Smith felt severely the disappointment of his hopes in the loss of this office, though another station, similar in its character, but less desirable, was immediately offered to him. The chief-justiceship of New Hampshire was now vacant, and his preëminent fitness for the post was so generally acknowledged, that all parties desired it should be offered to him. He was accordingly appointed by Governor Gilman ; but the salary attached to the office was so insufficient, being but eight hundred and fifty dollars a year, that he refused to serve. The legislature immediately raised the salary to one thousand dollars, and although this pitiful increase was even more indicative of an illiberal and parsimonious spirit than the smallness of the original sum, Judge Smith then determined to accept the appointment. "It is with great reluctance," he wrote to the governor, "that I have formed this determination, and I have a strong presentiment that I shall repent it. I mention this, that I may avoid the imputation of fickleness, in case on trial I should find it my duty to resign it." His acceptance under these circumstances was certainly an act of great disinterestedness, prompted by a high sense of public duty ; for even the increased salary was less than a third of the sum which he had earned in one year by his practice at the bar. He kept regular accounts of his expenses, which he found to exceed twelve hundred dollars a year, not including the cost of going the circuit, which amounted to three hundred more. He had as yet accumulated but little property, which, of course, would be rapidly diminished by continuing in office upon these terms.

No one could be expected to submit to such a sacrifice of his private interests for a long period. Accordingly, in June, 1804, after he had been upon the New Hampshire bench but two years, he addressed an able and dignified letter to the two branches of the legislature, intimating that he should be obliged to resign, if his compensation was not increased. He showed that the duties of the office occupied his time both in and out of court, that the vacation had been no season of repose for him, and that the constitution had wisely prohibited a judge from holding any other office. The considerations of public policy, which go to prove the necessity of maintaining the dignity and independence of the

judiciary, were plainly but forcibly set forth, and the evil consequences of the penurious system were shown by an appeal to the past history of the courts.

“One would think it would be the policy of the public to invite, by holding out suitable encouragement, the most eminent at the bar or in the state, those of the fairest character both for talents and integrity, to a seat on the bench. There were, at a late period, living, ten persons who had resigned, and two who had declined, the office of judge of the Superior Court. Three are lately deceased. Since the Revolution, the judges of the Superior Court, upon an average, have held the office less than five years. Can there be better evidence that the emoluments are not considered as adequate to the duties? While a judge holds the office no more than five years, have we much reason to expect uniformity in decisions? Do we not lose all the benefits flowing from experience?” — p. 162.

This letter had the desired effect, as the legislature immediately passed a bill by a large vote, fixing the salary of the chief-justice at fifteen hundred dollars. “This resolution,” says Judge Smith’s biographer, “was the more honorable both to him and to them, from the fact that a majority of the legislature were opposed to the political principles which he was perfectly well known to profess.”

We have dwelt long upon the history of this passage in Judge Smith’s life, insignificant as it may appear to the hasty observer, because, when rightly considered, it is full of instruction for us at the present day. Within a few years, the rage for retrenchment in the public expenditures has caused the salaries of the judges to be materially diminished in nearly every State in the union, though they were before confessedly far below the yearly gains of a lawyer in full practice, and though the expenses of living within the same period have considerably increased. Quite recently, if newspaper accounts may be credited, New Hampshire herself has narrowly escaped losing the chief ornament of her supreme bench, because a private manufacturing corporation wished him to become their agent with a salary two or three times as great as that received by the chief-justice. Massachusetts has had the mortification of seeing four out of the five judges in one of her courts resign their offices within one year, because two political parties in her legislature were running a race with each other to see which should curry

most favor with the people by diminishing the public expenses. Ohio has just lost her chief-justice from a similar cause, and it is rumored that the whole bench are about to follow his example ; while, in Pennsylvania, an important judgeship has recently gone a begging among the members of the bar on the same grounds. If this unwise, parsimonious spirit continues to govern our legislative assemblies, we may expect to see the character of the bench committed to judges who will dishonor it by their ignorance, or stain it by their corruption ; or else, that the aristocratic and monarchical principle will prevail, of conferring high public office, as is now the case with a seat in the British parliament, only upon men whose great wealth enables them to serve without pay, and therefore without any sense of responsibility or obligation to their constituents.

It was not customary in Judge Smith's time to publish reports of judicial decisions, and, consequently, his reputation as a judge depends mainly upon tradition. How highly his services in this capacity were valued appears from the pains taken by the bar and the legislature to establish and continue him in office, and from the hearty testimony rendered by his contemporaries to the importance of the work he accomplished in renovating and building up the judicial system of the State. "With him," says the present chief-justice of New Hampshire, "there arose a new order of things." Methodical, vigilant, and industrious in his own habits, he reduced the business of the courts to form and method ; exact and profound in his knowledge of the established principles of the law, his decisions rested on the sure basis of precedent and authority, instead of the vague and shifting impressions of an individual respecting the demands of natural justice. Many of the charges which he delivered to the grand juries still exist in manuscript, and show what comprehensive views he was wont to take of the general interests of society, and of the dependence of them all on a pure and correct administration of justice. They are remarkable, not for originality or refinement of speculation, but for broad, practical wisdom, and for sound views of the nature and intent of a criminal code, and the proper mode of administering it. They are always well written, and dignified in tone ; and they set forth with impressive earnestness the high character and important bearing of the functions of a grand juror.

In June, 1809, Judge Smith resigned his seat upon the bench and became governor of New Hampshire, to which office he had been elected by popular vote in the preceding spring. The change was not one that he desired, and he had given only a tacit consent to be held up as a candidate. Even this passive acquiescence in the change was imposed upon him only by considerations of fidelity to the party to which he belonged, whose permanent success with the people, as appears from his letters, he had long since ceased to expect. He was chosen by a lean majority, at a time when party spirit ran high, and he could not reasonably have expected to retain his new office for more than one year. Almost the only object that he sought to obtain, while governor, was the passage of some law for the improvement of the judiciary; he was unsuccessful, and the attempt only tended to diminish his popularity. A high Federalist in principle, he acted out the uncompromising tenets of his party with no reserve; and the people resented the conduct of a governor who was too honest to deceive, and too proud to flatter them. At the very next election, they turned him out, and put another in his place; and he returned, not unwillingly, to his practice at the bar. There he found associates whom it was a high pleasure to meet, and rivals by whom it was an honor to be conquered; "for in the same county with himself were Jeremiah Mason, Daniel Webster, and George Sullivan," all of them in the full vigor of their powers. For a few years, he was connected with them in the management of all the important business in that part of the country, to the great advantage both of his fame and fortune, when a call, an unwelcome one to him, was again made for his services in a judicial capacity.

The vacancies upon the supreme bench had been filled by the party then in power with weak and incompetent persons, who could not command the respect of the bar, nor the confidence of the public. In 1813, the Federalists triumphed in the State elections, and one of their first objects was to improve the standing of the judiciary. Unable to reach the evil in any other way, as the constitution provided that the judges should hold their offices during good behaviour, they passed a law abolishing the courts as then constituted, and remodelling the whole system. This was an ingenious but unworthy mode of removing incompetent

men from office, by evading the letter of the constitution, and violating its spirit. The remedy was worse than the disease. The measure was reprobated by the considerate and reflecting portion of their own number, as a breach of the true principles of conservatism in order to remove a temporary evil, and as teaching a lesson of mischief to the opposite party, by which they would be sure to profit. The law came with a bad grace from the very men who had so loudly condemned the proceeding of Congress in abolishing the circuit courts. But the step once taken by the legislature could not be retraced, and it was a matter of anxious consideration how its evil consequences might best be averted. The Democratic party loudly declared the act to be unconstitutional, and threatened to maintain the former judges in office at the expense even of a revolution. Every thing depended upon finding competent persons to take the newly created posts, and to overawe the opposition by superior weight of character.

The eyes of all the party were turned, of course, upon Judge Smith as the only man fit to be made chief justice. He was naturally unwilling to accept, as it was requiring him to encounter all the difficulties, and to bear all the odium, of a measure which he had heartily disapproved. Besides, he could not afford the pecuniary sacrifice, as the salary did not equal one third of the income from his private practice, and he was reluctant again to quit his honorable position at the bar. But the governor pressed him to accept; Mr. Mason, then a Senator in Congress, wrote to him, communicating his own earnest wishes, with those of Mr. Webster and other friends, that he would make this sacrifice for the public good; and Judge Smith at last yielded. He took the post with a full knowledge of the unpleasant and vexatious contest that awaited him with the former judges, who maintained that the new law was unconstitutional, and that the old courts were still in being. Accordingly, when the terms commenced at Dover, Exeter, and other places, the extraordinary spectacle was presented of two sets of judges claiming a seat upon the bench, and authority to direct the proceedings. Contradictory orders were issued to the inferior officers of the court; the oath was administered to the jury by one party, and tendered to them again by the other; charges to the grand jury, and

harangues to the people, were made successively by both claimants. Such scandalous scenes could not continue long ; and the firmness, good sense, and dignified demeanour of Judge Smith, joined with his weight of character and the authority he had acquired by long experience on that bench, at last triumphed over the pertinacity of his opponents, who quitted the field. The sheriffs who had refused to obey his orders were dismissed from office, and the new tribunals were suffered to act without further molestation.

When the opposite party was restored to power in 1816, as was expected, the courts were placed again upon the old footing, the new judges were dismissed, and Judge Smith once more resumed his place at the bar. It was not his intention, however, to remain there for a long period, as his private business had been so much interrupted by successive appointments to the bench, and as he now found himself surrounded in court by the men of a younger generation, with whom he had but few habits or opinions in common. But before he retired, he had the satisfaction of being engaged as one of the counsel for Dartmouth College, in that celebrated case to the final decision of which almost every literary and charitable institution in the country is indebted for its present security against legislative usurpation and the changes effected by political contests. His associates in the case were Mr. Mason, Mr. Hopkinson, and Mr. Webster. The gratitude of the College, aided by the munificence of one of her sons, has caused the portraits of her four distinguished advocates on this occasion to be taken, and exhibited by the side of each other within the walls of the institution which they had so effectually guarded.

In 1820, having secured the desired provision for his old age, and all the demands of ambition and the love of enterprise being fully gratified, Judge Smith sought that retirement which his tastes and temperament fitted him so perfectly to enjoy. We have already contemplated him as he appeared during this golden and fruitful autumn of his days, and must pass in a few words over the remainder of his history. When he first quitted the bar, he seemed as fortunate in his family as in all the other relations of life. Mrs. Smith was still by his side as the fond wife and devoted mother. Their son, who inherited generous feelings and remarkable abilities, was pursuing his studies for the bar

with a character stained by too many youthful indiscretions, but offering good promise for the future, when his passions should be more subdued and his thoughtlessness corrected by the grave lessons of experience.

"But the charm of Judge Smith's home, and that which made it what it was to him, and those who visited it for years, was his daughter Ariana. The connection between her and her father was the most beautiful that I have ever known between parent and child. There was a perfect harmony, a sympathy and union, such as we read of in books rather than hope to find in real life. Their characters were formed after the same model, save only that hers was subdued by the grace and softness of her sex. They read, conversed, travelled together, she engaging in whatever might add to his comfort, and he rejoicing as heartily in hers. She was born the 28th of December, 1797. The unusual name she bore was inherited through a line of grandmothers from a Bohemian branch of her mother's family. Existence was to her a continued romance. She laughed, wept, studied, went through the regular routine of household cares, had her little weaknesses, was not without some portion of female vanity, loved attention, and was not indifferent to dress, nor to any thing in which other girls took an interest, and yet she was like no one else. Her personal appearance was peculiar to herself. Her clear white complexion, contrasting with her long black hair and eyelashes, her large blue eyes, looking out with animation from a countenance always calm, indicating at the same time excitement and repose, were such as belonged to no one else. Her voice, subdued and passionless, contrasted singularly with the fervor of her words. Her devotion to domestic duties, and particularly to her mother through years of painful disease, might, but for the peculiar elasticity of her mind, have worn her down, yet to the last she was like one whose life had been a perpetual sunshine. Her enthusiasm might have betrayed her into indiscretions, but for the prudent self-control that never forsook her; and the rare good sense, that ran through all her conduct, might have made her commonplace, but for the enthusiasm of her nature. The great extent of her reading, and the accuracy of her knowledge in the more solid as well as in the lighter branches of literature, might have made her pedantic, were it not, as her father said, that she was more studious to conceal than to exhibit her accomplishments." — pp. 290, 291.

One of the sharpest trials that can be encountered by man was reserved for Judge Smith, proceeding from the death, within three years of each other, of every member

of his happy family. Mrs. Smith, whose health had been declining for some time, died in June, 1827, the parting from her husband being less painful as she left two children to cheer his home. But it was found soon afterwards, that consumption had fastened upon the son and the daughter, and was hurrying them both to an early grave. Ariana passed away first, just two years after her mother's death ; and William did not survive another year. He died in the house of his cousin in Mississippi, whither he had gone for a change of scene and in search of a milder climate. Judge Smith was left, a bereaved old man, to mourn the premature fate of those whose pious care, he had reasonably hoped, would attend his own white hairs to the grave. That fine old mansion-house, with its noble library, and the pleasant grounds about it, remained unto him desolate, or echoed only the footsteps of the domestic and the stranger. To a man of less vigorous frame, or of keener sensibilities, the shock of such a change, at that period of life, would probably have been fatal. But though possessing a kind heart and generous sympathies, Judge Smith was not a man of deep and strong feeling. His temperament was equable, all his passions were entirely under control, and cheerfulness was so much a habit of his mind, that even repeated privations and misfortunes could not permanently overshadow it. He grieved, indeed, at the parting with his children ; he sorrowed in the loneliness which they had bequeathed to him. But he did not mourn as without hope, and his elastic spirits and well disciplined mind soon found relief in employment, and consolation in the promises that are open to the Christian believer. Hitherto, probably, he had entertained rather a respect for religion than devout trust in its assurances, or habitual reverence for its offices and ministrations. But he now became an earnest and thoughtful inquirer into the things which are not of this world, and the radiance of a devotional spirit assisted to dispel the gloom caused by his bereavements, and continued to gild the remainder of his days.

Judge Smith was as little formed for solitude as for despondency, and, not long after the death of his son, he gave the world a striking proof that it is neither good nor necessary for man to live alone. In September, 1831, he was married to Miss Elizabeth Hale, of Dover, under whose

influence, says his biographer, "his home once more resumed its former cheerfulness, and the eleven years that remained were among the happiest, if not the most useful of her husband's life." He announced the event to his friends with characteristic gayety. To one he wrote :

"I believe I have now a good companion for the short remains of my mortal life. She is too young and too good ; but she will be likely to grow older, and probably, in such company, worse ; but, as I shall grow better in her society, we shall approach nearer to each other, and thus the inequality the world complains of in the match will gradually diminish ; and I sincerely hope, at some distant day, she will follow me to heaven."

"To Mrs. Sarah P. B. Smith, of Illinois, he said : 'I am no longer the desolate, solitary, dull, old stupid uncle you parted with a few weeks ago ; but a young, sprightly, married man, just entering on the active scenes of life.' 'Of all men, I was the last made to be alone. My heart, the best part of me, is still young. It always has, and I am pretty sure always will, love female excellence of every kind.' " — pp. 386, 387.

Six years afterwards, as if to complete his happiness by surrounding his old age with all the objects of natural affection and desire, a son was born to him to continue his name and family to another generation. He was always fond of children, and had the power of interesting and amusing them to a remarkable degree. Some had been received into his family as objects of charity, and to them he was always a kind and patient guardian, and often a droll and active playfellow. The birth of his own child, therefore, was a source of the greatest enjoyment to him, and its infantine prattle contributed, perhaps, as much as any other cause, to soothe and cheer his five remaining years. The clouds, in which his home and happiness had so lately been involved through the loss of his former family, were now entirely dissipated, and his evening sun shone brightly till it dipped beneath the horizon.

In February, 1842, Judge Smith sold his estate in Exeter, in order that his property might be left in a more compact and manageable condition for his heirs, and went to live with his father-in-law in Dover. Affection for his wife and child dictated this step, but it probably hastened his death. To quit the place which had been his home for nearly forty years, to lose the sight of many familiar objects,

and to submit to some alteration of long established habits, seemed likely to throw a shadow over his hitherto unconquerable spirits. He was not saddened by the change, but he became more placid and quiet, and more frequently thought and spoke of his approaching decease. Affecting signs that the end was at hand were not wanting; his paternal tree was fast shedding its leaves. His brother Samuel died in April of this year; in the August following, his two other brothers, one of whom had attained the age of eighty-six, and a favorite niece, were carried to the grave. Judge Smith was ill when the news of these deaths came, and though there was nothing alarming in the symptoms of his complaint, he seemed to be conscious that he was not to recover. Firmly and patiently he awaited the closing scene, though severely tried at intervals by bodily suffering; the few words which escaped him showed that the Christian's faith did not fail in the trying hour. He died on the 21st of September, passing the last hour so quietly, that no one knew when he ceased to breathe. His remains were interred at Exeter, in a space which he had reserved between the graves of Ariana and her mother, and a plain marble headstone bears a modest and truthful inscription to his memory.

ART. V. — 1. *Thirteenth Annual Report of the Trustees of the Perkins Institution, and Massachusetts Asylum for the Blind, to the Corporation.* Boston. 1845. 8vo. pp. 84.

2. *Quarterly Journal of the American Education Society.* February, 1845. Boston: T. R. Marvin. 8vo. pp. 16.
3. *Nineteenth Annual Report of the Board of Managers of the Prison Discipline Society.* Boston. 1844. 8vo.
4. *Annual Statement of the Treasurer of Harvard College;* made October 5th, 1844. Cambridge: Metcalf & Co. 8vo. pp. 24.

In September, 1830, at the celebration which took place, under the direction of the city authorities, of the two hundredth anniversary of the settlement of Boston, President Quincy delivered an address which was replete with interest-